

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JONATHAN MILES,

Plaintiff,

v.

U.S. GOVERNMENT, et al.

Defendants.

No. C 07-01092 JSW

**ORDER SETTING DEADLINE TO
FILE AMENDED COMPLAINT**

On February 22, 2007, Plaintiff filed his complaint in this action. On May 5, 2007, the Honorable Martin J. Jenkins dismissed Plaintiff's complaint, with leave to amend, and denied Plaintiff's application to proceed *in forma pauperis*. Plaintiff was ordered to file an amended complaint within sixty days of the Order.

Plaintiff did not file an amended complaint. Instead, on August 6, 2007, Plaintiff filed a notice of appeal. On September 14, 2007, the United States Court of Appeals for the Ninth Circuit dismissed Plaintiff's appeal for lack of jurisdiction, and the mandate issued on November 9, 2007.

In the interim, on October 2, 2007, Plaintiff sent a letter requesting that this case be sent "to Houston Texas Federal Clerks Office to be considered by the 5th Circuit Court of Appeals in New Orleans." (*See* Docket 11.) On December 13, 2007, Plaintiff sent a letter inquiring as to the status of his case, advised the Court of his new address, and stated "is anything required on my part?" (Docket No. 14.)

1 On February 15, 2008, this matter was reassigned to the undersigned. Because the Ninth
2 Circuit has resolved Plaintiff's appeal, this Court again has jurisdiction over the matter. If
3 Plaintiff intends to pursue this matter, he is HEREBY ORDERED to file an amended complaint
4 setting forth a cognizable legal claim by no later than March 28, 2008. If Plaintiff fails to
5 comply with this Order, he is HEREBY ADVISED that his failure to comply with the Order
6 shall result in a dismissal of this action without prejudice for failure to prosecute. The Court
7 also advises Plaintiff that a Handbook for Pro Se Litigants, which contains helpful information
8 about proceeding without an attorney, is available through the Court's website or in the Clerk's
9 office.

10 **IT IS SO ORDERED.**

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12 Dated: February 22, 2008



13 JEFFREY S. WHITE
14 UNITED STATES DISTRICT JUDGE
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